

REMARKS

Claims 1-3, 5 and 7-12 are pending in this application. By this Amendment, claims 1, 5, 7, 8 and 9 are amended. Claims 4 and 6 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Claims 10-12 are added. No new matter is added by these amendments. Reconsideration of the application based on the above amendments, and the following remarks, is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Klimowicz in the October 6, 2006 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

The Office Action, on page 2, rejects claims 1-9 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0191326 (U.S. Patent No. 6,963,464 issued November 8, 2005) to Xu et al. (hereinafter "Xu"). Applicants respectfully traverse this rejection.

The Office Action asserts that Xu teaches many of the features as recited in pending independent claims 1, 8 and 9. However, as discussed during the October 6 personal interview, Xu does not teach, nor would it have suggested, a portion of the heating element substantially perpendicular to the facing surface being greater in total length than the total length of the portion substantially parallel to the facing surface, as is positively recited in independent claims 1, 8 and 9. Rather, Xu is silent regarding any such relationship. As discussed in Applicant's disclosure, in at least paragraph [0043], the heating element portion that is substantially perpendicular to the facing surface being greater in total length than the portion substantially parallel to the facing surface allows for the heating layer itself to easily expand perpendicularly to the air bearing surface (ABS) when energized. Accordingly, the giant magnetoresistive device (40) in the recording head part (60) can efficiently project toward the recording medium 2, as illustrated in Fig. 5.

Fig. 3 of Xu, to the extent that it arguably depicts a heating element, does not depict any such element that can be shown to have the structural proportions positively recited in claims 1, 8 and 9.

As discussed with Examiner Klimowicz in the October 3 personal interview, the failure of the description to articulate any dimensions by which the Figures of Xu may be interpreted results in Xu's failure to anticipate all of the features positively recited in the claims. Examiner Klimowicz conceded this point.

Additionally, Xu does not teach, nor would it have suggested, the heating element being a single strip wound repeatedly from an initial point to a turning point, and returning substantially to the initial point, in a substantially parallel path, as is positively recited in amended claims 1, 8 and 9, and discussed in at least Applicants' disclosure beginning on page 12, line 7. Rather, Xu teaches, as illustrated in Fig. 3, that the heating element consists of a continuous ribbon with terminals disposed on each end, and, therefore, not a single strip wound repeatedly from an initial point and returning to the same initial point in a substantially parallel path, as illustrated by Fig. 4, of Applicants' disclosure.

For at least the foregoing reasons, the Office Action fails to assert a *prima facie* case of anticipation, with respect to the applied prior art reference of Xu.

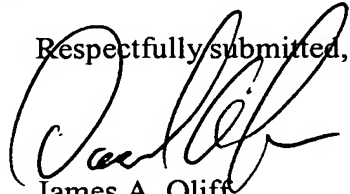
Xu cannot reasonably be considered to teach, or even to have suggested, the combinations of all of the features recited in at least amended claims 1, 8 and 9. Further, claims 2, 3, 5 and 7 are also neither taught, nor would they have been suggested, by the applied prior art reference for at least the respective dependence of these claims on an allowable base claim as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-3, 5 and 7-9 under 35 U.S.C. §102(b) as being anticipated by Xu are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 5 and 7-12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: October 10, 2006

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